

February 22, 2005

To Whom It May Concern:

It has been called to the attention of the N.H. Board of Medicine ("the Board") that language appearing in a settlement agreement "In the Matter of Leo L. Maniace, MD," and posted in the Board's newsletter has been interpreted in ways that the Board did not intend. Specifically, five anesthesiologists have informed the Board that the language has been interpreted to establish a specific legal and clinical standard of care for on-call anesthesiologists with respect to response time.

Because the Board is legally required to protect the confidentiality of all parties involved, the Board is unable to discuss the specific issues involved in this case. While the Board stands by its order in the June 2004 settlement agreement "In the Matter of Leo Maniace," the Board wishes to clarify that the language is specific to the unique circumstances of that case. The Board is not creating, nor advocating, a generally applicable standard of care for the time limits for on-call anesthesiologists with respect to response time. The Board cautions against using the language in this settlement agreement to establish a specific standard of care that would be generalized beyond this case.

For the Board,

Penny Taylor, Administrator  
Authorized Representative of the  
New Hampshire Board of Medicine